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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,645	11/06/2000	Dimitri Kanevsky	13808(YOR920000454US1)	8227

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04/03/2003

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,645

Applicant(s)

KANEVSKY ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-18 are rejected under 35 U.S.C. 103 as being unpatentable over Bottan et al. (US 2002/0042846 A1).
3. As per independent Claims 1, 7, and 13, Bottan discloses a method (system, program storage device) of providing help to people with disabilities, comprising the steps: (a) organizing a network of people with disabilities (participating subscriber) and of volunteers (service provider) for helping people with disabilities, each of the persons with disabilities and each of the volunteers having a portable, wireless communications device; (Abstract, Para 0004-0014) (b) establishing a database having information about the people with disabilities and about the volunteers (Para 0008-0009); (c) at least one of the persons with disabilities, using one of the wireless communications devices to transmit a request for help (Para 0107-0111); and (d) said at least one of the volunteers receiving the request for help via one of the wireless communications devices (Para 0107-0111, Figs.1-4).

4. Bottan fails to expressly disclose said information identifying (1) for each of the persons with disabilities, at least one specific disability said person has, and (2) for each of the volunteers, at least one specific disability said volunteer is willing to assist; and matching at least one of the volunteers with said at least one of the persona with disabilities by finding, through said database, one of the volunteers who is willing to assist with the specific disability said at least one of the persons with disabilities has.
5. However, Bottan does teach wherein the user fills a profile for themselves and other event specific volunteers (family, doctor, accountant, emergency personnel, etc.). Bottan also teaches wherein the system matches event criteria to specific registered personnel, based on predetermined rules (Para 0004-0005, Para 0033-0107, Para 0141).
6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include said information identifying (1) for each of the persons with disabilities, at least one specific disability said person has, and (2) for each of the volunteers, at least one specific disability said volunteer is willing to assist; and matching at least one of the volunteers with said at least one of the persona with disabilities by finding, through said database, one of the volunteers who is willing to assist with the specific disability said at least one of the persons with disabilities has as part of the system Bottan described for the advantage of offering a method (system, program storage device) of providing help to people with disabilities, with the ability to obtain a larger pool of volunteers, by allowing them to register themselves over the Internet and matching them with people in need.

7. As per Claims 2, 8, and 14, Bottan discloses wherein step (c) includes the step of one of the persons with disabilities using one of the wireless communications devices to transmit a request for help to the network; further comprising the step of the network searching the information in the database to match one of the volunteers with said request; and step (d) includes the step of the network identifying said one of the persona with disabilities to said one of the volunteers via one of the wireless communications devices (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).
8. As per Claim 3, 9, and 15, Bottan does not expressly show the volunteers providing at least one service selected from the group comprising: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities.
9. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of providing help to people with disabilities would be performed regardless of the type of service/help provided. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the person with a disability a service comprising one of the following: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of

the persons with disabilities, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the service does not patentably distinguish the claimed invention.

11. As per Claims 4, 10, and 16, Bottan discloses using a global positioning system to identify the location of said one of the persons with disabilities, and to identify one or more of the volunteers in the vicinity of said one of the persons with disabilities (Abstract, Para 0107-0111).
12. As per Claims 5, 11, and 17, Bottan discloses wherein the step of establishing a database includes the steps of i) establishing a first database having information about the persons with disabilities, and ii) establishing a second database having information about the volunteers; and the matching step includes the step of the network searching the first and second databases to select and match volunteers and people with disabilities (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).
13. As per Claims 6, 12, and 18, Bottan discloses wherein the matching step includes the step of: using a matching server to search the people with disabilities and the volunteers to find a list of candidate volunteers and methods of help; sending a request to each of the candidate volunteers; interacting with the candidate volunteers to find a final choice volunteer; and sending a final request to the final choice volunteer (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).

***Response to Arguments***

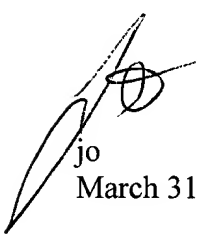
14. Applicant's arguments filed 2/20/03, with respect to Claims 1-18, have been considered but are moot in view of the new ground(s) of rejection.
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

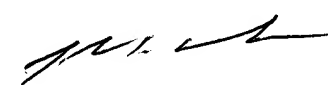
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



jo  
March 31, 2003



**JOHN G. WEISS**  
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